

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL DAY,

Plaintiff,

-v-

JEFFREY L. SLOTHOWER and
BATTERY PRIVATE, INC.,

Defendants.

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21 Civ. 1188 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 10, 2021, plaintiff Michael Day (“Day”) filed the Complaint, which alleges breach of contract, breach of fiduciary duty, conversion, and fraud, by the defendants, Jeffrey L. Slothower (“Slothower”) and Battery Private, Inc. (“Battery,” together “defendants”). Dkt. 1. On February 25, 2021, Day served Battery with process, making Battery’s deadline to answer or otherwise respond March 18, 2021. *See* Dkt. 14; Fed. R. Civ. P. 12(a). On April 22, 2021, Day moved for leave to serve Slothower by alternative means. Dkt. 11. On April 27, 2021, the Court granted the motion, permitting Day to serve Slothower by email. Dkt. 12. That same day, Day served Slothower by email, making Slothower’s deadline to answer or otherwise respond May 18, 2021. *See* Dkt. 13; Fed. R. Civ. P. 12(a). Neither defendant responded to the Complaint or otherwise appeared in this action. On September 1, 2021, Day filed for entry of default as to both defendants with the Clerk of Court. Dkts. 18, 19. The Clerk of Court issued certificates of default as to both defendants on September 7, 2021. Dkts. 22, 23. On September 18, 2021, Day filed a motion for default judgment as to both defendants. Dkt. 24. On September 21, 2021, Day completed filing the required supplemental papers to that motion. *See* Dkt. 26.

The Court hereby directs defendants to respond to the Complaint and the motion for default judgment by October 5, 2021. If no such response is made, the Court will consider the motion unopposed. Day shall serve this Order upon defendants and file an affidavit reflecting such service on ECF by September 28, 2021.

SO ORDERED.

A handwritten signature in black ink, reading "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

Paul A. Engelmayer
United States District Judge

Dated: September 21, 2021
New York, New York